Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

W.P. NO. 3928/2004

PETITIONER

P.R. No. 3927/04 Presented by Shri Manoj Paraste dated 15/10/04

Shyam Kishore Jaiswal,
S/o. Shri Kismiss Prasad
Jaiswal, aged about 39 years,
R/o. Village Post Pandri,
Tehsil Waderafnagar,
Ambikapur, District Surguja,
Chhattisgarh

VERSUS

RESPONDENTS :

1. State of Chhattisgarh,
Through: Secretary,
Tribal Welfare Department, ,
D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh

2. The Commissioner,
Tribal Welfare Department,
Chhattisgarh

3. The Collector,
Tribal Welfare Department,
Ambikapur, District Surguja,
Chhattisgarh

4. The Assistant Commissioner,
Tribal Welfare Department,
Ambikapur, District Surguja,
Chhattisgarh

5. The Block Education Officer,
Waderafnagar, Ambikapur,
District Surguja,
Chhattisgarh

RECEIVED COPY 15/10/04 Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITION OF INDIA

The petitioner named above most humbly and respectfully begs to submit as under:-

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3928 OF 2004

Petitioner : Shyam Kishore Jaiswal

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Manoj Paranjpe, counsel for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Incharge Circle Organiser in the Education Department at Lodhi, Waderafnagar has been transferred to the Primary School Bhojpur, Kusmi, vide order dated 31-7-2004 (P-15).

2. No stay order was granted by this Court in this matter. The transfer order must have been executed by the respondents.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and

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administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal